

**AMENDMENTS TO THE DRAWINGS:**

The attached amended Figures 1-4 (Replacement Sheets) include changes to Figures 1-4.

Attachments: Replacement Sheets

## REMARKS

Claims 1-13 and 15 are currently pending, with claims 1 and 15 being independent. Claims 1 and 15 have been amended. Support for the amendments to claims 1 and 15 can be found throughout the specification as originally filed, for example, in paragraphs [0020] and [0021]. No new matter has been added.

### Drawings

The Examiner has objected to the figures.

Figures 1-4 have been amended as suggested by the Examiner. Specifically, in Figure 1, the lines for reference numerals 4, 10, 11, 10b, 11b, 14-15, 14b-15b, 17 and 20 have been changed to dashed lines. In Figure 2, the lines from reference numerals 4, 10, 11, 10b, 11b, 14, 15, 14b, 15b, 17, 20, and 21 have been changed to dashed lines. In Figure 3, the lines from reference numerals 14, 15, 14b, 15b, and 17 have been changed to dashed lines. In Figure 4, the side barrier portion of the Z-shape structure has been moved such that it does not overlap the absorbent body at the front portion of the diaper in order to be consistent with Figure 1, from which the cross-section for Figure 4 is taken.

Accordingly, Applicant respectfully submits that the objection to the figures should be withdrawn.

### § 102 Rejection

Claim 1-3 and 11-12 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by JP 01077607 ("Suzuki"). Applicant respectfully traverses this rejection.

Suzuki discloses that an absorber 3 is placed between a water-permeable top sheet 1 and a water-impermeable back sheet 2 and a side flap 4 is formed with both of the sheets 1, 2 extending outward from both side edges of the absorber 3. When an elastomer part 5 is adhered to this side flap 4, a second part 4b having the elastomer part 5 is placed on a first part 4a of the side flap 4 and they are jointed so that the joint inner edge 9 may form a sealing line extending in the longitudinal direction of the side flap 4. Finally, the front end of unsealed part 4b' in the longitudinal direction inside the seal line of the second part 4b is laid inside, while the

rear end is laid outside and they are jointed to the front side and the rear side areas of an article to be put on, respectively. (Abstract).

Amended claim 1 now recites that the absorbent article comprises, *inter alia*, first and second side barriers: (1) each arranged such that, when it is secured in contact with said front portion, each side barrier and the upper cover sheet define a folded structure of substantially Z shape cross section with a fold directed towards the inside of said article; and (2) each with at least one elastic element that runs between an attachment point on a front edge of the article and an attachment point on a rear edge of the article along the entire length of the fold directed towards the inside of the article. This feature contributes to the advantageous design of the diaper which limits material consumption, improves fit, and reduces the risk of leakage over the sides as described in paragraph [0027] and throughout the specification.

Applicant respectfully submits that Suzuki does not teach or suggest a combination having, at least, first and second side barriers each secured in contact with the front portion to define a folded structure with a substantially Z shape cross section with a fold directed towards the inside of the article with at least one elastic element that runs between an attachment point on a front edge of the article and an attachment point on a rear edge of the article along the entire length of the fold directed towards the inside of the article. Rather, Figures 1, 2, and 7 of Suzuki show an elastic element that resides within the central longitudinal portion of the article along the absorber 3 (i.e., does not extend to the front and rear edges of the article) and not along the entire length of the fold directed towards the inside of the article.

Accordingly, the rejection of claims 1-3 and 11-12 as allegedly anticipated by Suzuki is respectfully requested to be withdrawn.

**§ 103 Rejections**

Claims 4-7, 13, and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Suzuki in view of Robertson U.S. Patent Nos. 5,026,364 ("Robertson") and 5,746,732 ("Olsson"). Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Suzuki in view of U.S. Patent No. 5,496,428 ("Sageser"). Applicant respectfully traverses these rejections.

The Examiner relies on Robertson and Olsson to allegedly teach a rear barrier. Further, the Examiner relies on Robertson and Olsson to allegedly teach a rear barrier that has a further elastic element which, when viewed from above, extends outside and overlaps rear attachment points of the elastic elements in the side barriers, wherein said further elastic element comprises attachment points which, when viewed from above, extend outside the rear attachment points of the elastic elements in the side barriers. The Examiner relies on Sageser to allegedly teach spacing of the side barriers.

As noted above, Applicant respectfully submits that Suzuki does not teach or suggest a combination having, at least, first and second side barriers which when secured in contact with the front portion define a folded structure with the upper cover sheet with a substantially Z shape cross section with a fold directed towards the inside of the article and each comprising at least one elastic element that runs between an attachment point on a front edge of the article and an attachment point on a rear edge of the article along the entire length of the fold directed towards the inside of the article. None of Robertson, Olsson, or Sageser remedy this deficiency.

Accordingly, the rejection of claims 4-7, 13, and 15 as allegedly unpatentable over Suzuki in view of Robertson and Olsson and the rejection of claims 8-10 as allegedly unpatentable over Suzuki in view of Sageser is respectfully requested to be withdrawn.

**Conclusion**

Favorable examination and further action in the form of a Notice of Allowance is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: 8 July 2008



---

Travis D. Boone  
Registration No. 52635

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620